

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2000-552-T

IN RE: Petition of the Office of Regulatory)	
Staff to Revoke the Certificate of)	
Public Convenience and)	PETITION FOR RULE TO
Necessity of F. J. Leamond, Jr. d/b/a,)	SHOW CAUSE
Colony Historic Tours)	
For Failure to Maintain and File)	
Evidence of Insurance)	

The Office of Regulatory Staff, by filing this petition, would respectfully show and request of the Commission:

1. That the Public Service Commission of South Carolina (“the Commission”) is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. §58-23-10 et seq. (1976 and Supp.2005); that the Office of Regulatory Staff (“ORS”) is charged with the duty to protect the public interest pursuant to S.C. Code Ann. Section 58-4-10, et seq. as enacted by 2004 S.C. Acts 175.

2. That F. J. Leamond, Jr. d/b/a Colony Historic Tours (hereinafter “Colony Historic Tours”) is the named holder of a Certificate of Public Convenience and Necessity which Certificate authorizes Colony Historic Tours to operate as a “motor vehicle carrier” as defined in S.C. Code Ann. §58-23-10(4) (Supp.2005) in that it owns, controls, operates, or manages motor propelled vehicles, not usually operated on or over rails, used in the business of transporting persons or property for compensation over improved public highways in this state.

3. That Colony Historic Tours is subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-23-10 et seq. (1976 and Supp.2005); further, that Colony Historic Tours has

submitted itself to the jurisdiction of the Commission by holding a Certificate of Public Convenience and Necessity as indicated in Attachment A. See Attachment A, Certificate of Public Convenience and Necessity issued by the Commission to Colony Historic Tours on November 30, 2000.

4. That Colony Historic Tours, upon receiving its Certificate of Public Convenience and Necessity, was found to be fit, willing and able to operate as a motor carrier by the Commission; that such authority found Colony Historic Tours to be “familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina” and that Colony Historic Tours “agree(d) to operate in compliance with these statutes and regulations” [26 S.C. Code Regs 103-133(4)(a) (Supp. 2005)].

5. That 26 S.C. Code Regs. 103-164 (Supp.2005) allows the Commission to approve a suspension of operations authorized by a duly issued Certificate of Public Convenience and Necessity upon written application of a carrier, provided that the carrier states the justification for the proposed suspension of service.

6. That subsequent to receiving the operating authority approved in its Certificate of Public Convenience and Necessity, Colony Historic Tours requested suspension of its operating authority as permitted by 26 S.C. Code Regs. 103-164 (Supp. 2005).

7. That the Commission granted the suspension requested by Colony Historic Tours for a definite period and that such suspension was for a one year period ending December 17, 2005. See Attachment B, Suspension Order No. 2004-626.

8. That the suspension period for Colony Historic Tours has expired and Colony Historic Tours either has failed to seek an extension of the period of suspension or has failed to reinstate its Certificate of Public Convenience and Necessity. Reinstatement of operating authority or resuming operations following the defined period of suspension would require a request to lift the suspension and the filing of appropriate insurance. Presently, Colony Historic Tours has not requested that the

suspension be lifted nor has Colony Historic Tours filed evidence of having current insurance in force. See Attachment C, Affidavit of Jeanne Gordon.

9. That after the end of the suspension period, the ORS contacted Colony Historic Tours requesting that Colony Historic Tours either reinstate its Certificate of Public Convenience and Necessity by providing evidence of insurance to ORS or request an extension of time to comply with the rules and regulations of the Commission. See Attachment D1 and D2, Certified Letters of George Parker.

10. That pursuant to 26 S.C. Code Regs. 103-836 (Supp. 2005), ORS submits this Petition for a Rule to Show Cause. 26 S.C. Code Regs. 103-836 provides that “[p]etitions may be submitted to the Commission for any relief, other than for an adjustment of rates and charges, which the Commission is empowered to grant under its statutory authority” and “[p]etitions which may be filed include ... [a] Petition for a Rule to Show Cause.”

11. That pursuant to 26 S.C. Code Regs. 103-240 (Supp. 2005):

The Commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the Commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the Commission, the motor carrier holding a Certificate of PC&N is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the Commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service, or said carrier no longer meets the fit, willing, and able criteria, or the motor carrier holding a charter bus certificate no longer meets the Commission's insurance requirements or the safety requirements of the Department of Public Safety, or the continuance of said certificates are not in conformity with the spirit and purpose of the law, provided, however, that this rule shall have no effect upon rules hereinbefore set forth which authorize suspension, revocation, alteration, or amendment of a certificate or of an order granting operating rights without hearing where certain conditions exist.

12. That “the Commission may, at any time, by its order, duly entered, after a hearing had upon notice to the holder of any certificate hereunder at which such holder shall have had an opportunity to be heard and at which time it shall be proved that such holder has willfully made any

misrepresentation of a material fact in obtaining his certificate or willfully violated or refused to observe the laws of this State touching motor vehicle carriers or any of the terms of his certificate or of the Commission's proper orders, rules or regulations, suspend, revoke, alter or amend any certificate issued under the provisions of Articles 1 to 11 of this chapter.” S.C. Code Ann. §58-23-320 (Supp.2005).

13. That the address upon which the ORS served the letters attached hereto as Attachments D1 and D2 notifying Colony Historic Tours that the period for suspension under Order No. 2004-626 has expired and that it was no longer in compliance with the Commission requirements concerning proof of insurance is the mailing address on file with the Commission and ORS and such address was provided by Colony Historic Tours.

WHEREFORE, the ORS staff prays that the Honorable Commission:

1. Issue an order requiring Colony Historic Tours to appear before the Commission, and show cause why an order should not be issued from this Commission revoking the Certificate of Public Convenience and Necessity previously issued to Colony Historic Tours for failure to seek reinstatement of the operating authority under its respective Certificate of Public Convenience and Necessity or to request an extension of the suspension previously authorized by the Commission;
2. Provide the opportunity for Colony Historic Tours to answer the allegations of this Petition within thirty (30) days from the date of receipt of the order issuing the Rule to Show Cause;
3. Schedule and conduct a formal administrative hearing as soon as practicable to address disputed issues of fact and law regarding the Certificate of Public Convenience and Necessity which ORS seeks to have revoked by the Commission in this action pursuant to 26 S.C. Code Regs. 103-240 (Supp. 2005) and S.C. Code Ann. §58-23-320 (Supp. 2005).
4. Pursuant to 26 S.C. Code Regs 103-870(C), take judicial notice of the Commission’s records in that Colony Historic Tours has not sought reinstatement of the operating authority under its

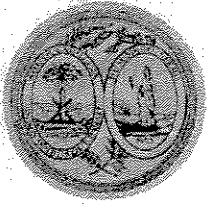
Certificate of Public Convenience and Necessity and has not requested an extension of the suspension previously authorized by the Commission;

5. Following the formal administrative hearing, immediately rule to revoke the Certificate of Colony Historic Tours in accordance with the authority provided the Commission under S.C. Code Ann. §58-23-320 and thereafter immediately enter a final written order canceling the Certificate of Public Convenience and Necessity held by Colony Historic Tours;

6. For such other appropriate action which the Commission may deem necessary.

Shannon Bowyer Hudson
Shannon Bowyer Hudson, Esquire
Nanette S. Edwards, Esquire
Office of Regulatory Staff
P.O. Box 11263
Columbia, South Carolina 29211

July 28, 2006
Columbia, South Carolina



Public Service Commission of South Carolina
Columbia, South Carolina

ATTACHMENT A

Docket No. 2000-552-T
Order No. 2000-960
Certificate No. 7013

CLASS C CHARTER

Certificate of Public Convenience and Necessity
For the Operation of
MOTOR VEHICLE CARRIERS

NAME: F. J. LEAMOND, JR. DBA COLONY HISTORIC TOURS

ADDRESS: 1326 N. Edgewater Drive, Charleston, SC 29407

is hereby authorized to furnish passenger service, by means of motor propelled vehicles, as follows:

BETWEEN POINTS AND PLACES IN SOUTH CAROLINA

RESTRICTED TO: FIVE (5) PASSENGERS

COPY

SUSPENDED
2000-552-T
2004-626
1 yr susp.
ending 12/05/05

THIS CERTIFICATE is issued upon finding by the Commission, that Public Convenience and Necessity require such operation, under the terms of the Motor Vehicle Carriers' Law (Sections 58-23-10 - 58-23-60 of the South Carolina Code of Laws, 1976, and amendments thereto), and,

CONDITIONED: That all motor vehicles operated by virtue of this Certificate shall be so operated in accordance with the said Motor Vehicle Carriers' Law and the Rules and Regulations issued thereunder, and,

CONDITIONED FURTHER: That neither this Certificate nor the rights granted herein shall be sold, assigned, leased, transferred, mortgaged, pledged, or otherwise hypothecated, unless first approved by the Commission.

DATED at Columbia, South Carolina, this 30th day of November A.D., 2000.

Mary E. Walsh
Executive Director

William A. ...
Chairman

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2000-552-T - ORDER NO. 2004-626

DECEMBER 17, 2004

IN RE: Application of F.J. Leamond, Jr. d/b/a Colony)	ORDER GRANTING
Historic Tours, 1326 N. Edgewater Drive,)	SUSPENSION
Charleston, SC 29407 (District 6) for a Class)	
C Charter Certificate of Public Convenience)	
and Necessity.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of the request of F.J. Leamond, Jr. d/b/a Colony Historic Tours (Colony Historic or the Company) to suspend the Company's Class C Charter Certificate of Public Convenience and Necessity (Certificate of PC&N) No. 7013.

A review of the docket file reveals that the Class C Charter Certificate of PC&N in question was issued to Colony Historic to render motor passenger service by Commission Order No. 2000-960, dated November 29, 2000.

On December 9, 2004, Colony Historic filed a request seeking suspension of the Company's authority for a period of one (1) year.

Upon full review of the matters asserted in Colony Historic's request, the Commission is of the opinion, and so finds, that the relief requested by the Company should be granted.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

1. That the relief requested by F.J. Leamond, Jr. d/b/a Colony Historic Tours is approved, and the Company's authority to render motor passenger service is suspended for a period of one (1) year until **December 17, 2005**.

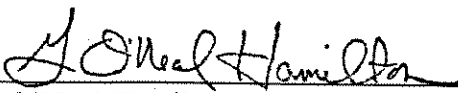
2. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Randy Mitchell, Chairman

ATTEST:



G. O'Neal Hamilton, Vice Chairman

(SEAL)

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2000-552-T

July 28, 2006

IN RE: Petition of the Office of Regulatory)
Staff to Revoke Certificates of) AFFIDAVIT OF
Public Convenience and) Jeanne Gordon
Necessity of Certain Motor Carriers)

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Jeanne Gordon and I am employed by the Office of Regulatory Staff ("ORS") as Program Specialist for the Transportation Department.
- 2) My office is located at 1441 Main Street, Columbia, South Carolina, 29201 (Mailing Address: Post Office Box 11263, Columbia, South Carolina 29201).
- 3) My duties and responsibilities as Program Specialist for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- 5) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 6) On July 28, 2006, I examined the business records on file with ORS.
- 7) As a result of that examination, I attest that a request to lift the suspension and the filing of appropriate insurance has not been filed with ORS by the following company.

F.J. Leamond, Jr. d/b/a Colony Historic Tours 1326 Edgewater Drive Charleston, SC 29407
--

AND FURTHER THE AFFIANT SAYETH NOT.

Jeanne Gordon
Jeanne Gordon
Program Specialist, Transportation Department
Office of Regulatory Staff
P.O. Box 11263
Columbia, South Carolina 29211

Sworn and subscribed before me
this 28th day of July, 20 06

L. M. Park
Notary Public for South Carolina
My Commission Expires: May 11, 2010

C. DUKES SCOTT
EXECUTIVE DIRECTOR

P.O. Box 11263
Columbia, S.C. 29211



Phone: 803 737-0800
Fax: 803 737-0801

DAN E. ARNETT
CHIEF OF STAFF

KATIE C. MORGAN
DIRECTOR
TELECOMMUNICATIONS, TRANSPORTATION, WATER/WASTEWATER

June 13, 2006

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

F. J. Leamond, Jr. dba
Colony Historic Tours
1326 N. Edgewater Drive
Charleston SC 29407

RE: *Public Service Commission Required Intrastate Insurance Filing*
SUSPENSION FROM PSC

Dear Mr. Leamond:

The Public Service Commission Order No2004-626 granted a suspension for F. J. Leamond, Jr. d/b/a Colony Historic Tours on December 17, 2004, ending on December 17, 2005. Since six (6) months have passed since you requested the suspension, we are requesting an updated status of your intentions to either operate in the future or whether you wish to cancel your certificate. If you wish to begin operation, please send a current Form E showing proof of insurance or, if you no longer wish to continue business in the future, please send a letter asking that the Public Service Commission cancel your certificate.

If we have not received a written request for an extension of time to comply with the rules and regulations of the Commission or a Form E proof of insurance by **June 27, 2006**, we will petition the Public Service Commission for dismissal of your application.

The Form E proof of insurance or letter of cancellation can be mailed or faxed to:

SC Office of Regulatory Staff
Transportation Department
PO Box 11263
Columbia, SC 29211
Fax number: 803/737-0801

Operation without proper insurance is a violation of the law and you will be subject to all penalties as outlined in the S.C. Code of Law and Regulations.

Please contact the Transportation Department with any questions at 803/737-0800.

Sincerely,

L. George Parker
Program Manager
Transportation Department

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

F.J. Leamond, Jr. DBA
Colony Historic Tours
1326 Edgewater Drive
Charleston, SC 29407

2. Article Number
(Transfer from service label)

7005 0390 0002 6160 0128

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *F.J. Leamond Jr* ☐ Agent ☐ Addressee

B. Received by (Printed Name)

F.J. Leamond Jr

C. Date of Delivery

6/6/03

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.39
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.64

Postmark
Here

Send

F.J. Leamond, Jr. DBA
Colony Historic Tours
1326 Edgewater Drive
Charleston, SC 29407

PS

Instructions

7005 0390 0002 6160 0128

C. DUKES SCOTT
EXECUTIVE DIRECTOR

P.O. Box 11263
Columbia, S.C. 29211



Phone: (803) 737-0800
Fax: (803) 737-0801

DAN F. ARNETT
CHIEF OF STAFF

KATIE C. MORGAN
DIRECTOR
TELECOMMUNICATIONS, TRANSPORTATION, WATER/WASTEWATER

June 30, 2006

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

F. J. Leamond, Jr. d/b/a
Colony Historic Tours
1326 N. Edgewater Drive
Charleston SC 29407

RE: *Public Service Commission Required Intrastate Insurance Filing*
SUSPENSION FROM PSC

Dear Sir/Madam:

The Public Service Commission Order No. 2004-626 granted a suspension for F.J. Leamond, Jr. d/b/a Colony Historic Tours on December 17, 2004, ending on December 17, 2005. Since several months have passed since you requested the suspension, we are requesting an updated status of your intentions to either operate in the future or whether you wish to cancel your certificate. If you wish to begin operation, please send a current Form E showing proof of insurance or, if you no longer wish to continue business in the future, please send a letter asking that the Public Service Commission cancel your certificate.

If we have not received a written request for an extension of time to comply with the rules and regulations of the Commission or a Form E proof of insurance by **July 10, 2006**, we will petition the Public Service Commission for dismissal of your application.

The Form E proof of insurance or letter of cancellation can be mailed or faxed to:

SC Office of Regulatory Staff
Transportation Department
PO Box 11263
Columbia, SC 29211
Fax number: 803/737-0801

Operation without proper insurance is a violation of the law and you will be subject to all penalties as outlined in the S.C. Code of Law and Regulations.

Please contact the Transportation Department with any questions at 803/737-0800.

Sincerely,

L. George Parker
Program Manager
Transportation Department

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

F. J. Leamond, Jr. d/b/a
Colony Historic Tours
1326 N. Edgewater Drive
Charleston SC 29407

2. Article Number

(Transfer from service label)

PS Form 3811, February 2004

TRANS.

COMPLETE THIS SECTION ON DELIVERY

A. Signature F. J. Leamond, Jr. ☒ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

7004 2510 0005 5751 7489

Domestic Return Receipt

102595-02-M-1540

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ <u>37</u>	.39
Certified Fee	<u>2.30</u>	2.40
Return Receipt Fee (Endorsement Required)	<u>1.75</u>	1.85
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ <u>4.42</u>	4.64

Postmark
Here

Sent To

F. J. Leamond, Jr. d/b/a
Colony Historic Tours
1326 N. Edgewater Drive
Charleston SC 29407

PS Form 3800, June 2002

7004 2510 0005 5751 7489

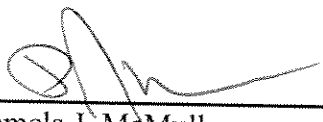
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Necessity of F. J. Leamond, Jr. d/b/a)
Colony Historic Tours)
For Failure to Maintain)
and File Evidence of Insurance)
_____)

CERTIFICATE OF SERVICE

This is to certify that I, Pamela J. McMullan, have this date served one (1) copy of the **PETITION FOR RULE TO SHOW CAUSE** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

F. J. Leamond, Jr. d/b/a
Colony Historic Tours
1326 Edgewater Dr.
Charleston, SC 29407



Pamela J. McMullan

July 28, 2006
Columbia, South Carolina